IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mrs. JUSTICE T.MEENA KUMARI

WRIT PETITION No. 20741 of 1994

Between:

B. Hanumantha Rao, S/o Radha Krishna Rao,
aged 67 years, Advocate,

Kandukur, Prakasam Dist.

..... PETITIONER

AND

The A.P. Advocates Welfare Fund Committee, Rep by Secretary
O/o Bar Councel of State of A.P., High Court Premises,
Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the resolution dated 17-4-92 passed by the respondent Committee not to admit Advocate aged more that 65 yr as members of the A.P. Advocate's Welfare Fund as with out Jurisdiction illegal, arbitrary by issuing appropriate writ, order or direction.

Counsel for the Petitioner: MR.M.V.S.SURESH KUMAR

Counsel for the Respondent : STANDING COUNSEL FOR BAR COUNSEL

The Court made the following:

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ORDER:

The petitioner is an Advocate having entered in the State Roll of Advocates in the year 1955 bearing No.A.P.37/55. The respondent removed his name from the membership of A.:P. Advocates' Welfare Fund on the ground that he has not paid the annual subscription for the year 1991-92. Aggrieved by the same, the petitioner filed this Writ Petition seeking declaration that the action of the respondent is illegal and arbitrary.

2. A perusal of the record shows that the Government enacted A.P.Advocates Welfare Fund Act in the year 1987 for the promotion and welfare of the Advocates. The petitioner has become as a member in the year 1989 in the said Welfare Fund, but, he committed default in payment of annual subscription for the year 1991-92, as a result of which, his membership was removed. On 12.01.1993 the respondent informed the petitioner that his name was removed from the membership of the Andhra Pradesh Advocates Welfare Fund as he failed to pay the annual subscription. Subsequently, the Andhra Pradesh Advocates Welfare Fund Committee on 17.04.1992 passed resolution resolving that advocates who crossed more than 65 years cannot be admitted as members of the said Welfare Fund, and on that ground, the respondent rejected the requisition of the petitioner for readmission as a member.

3. In the facts and circumstances of the case and in the light of the resolution passed on 17.04.1992 and in view of the admitted fact that the petitioner committed default for a particular year, I am of the opinion that there are no merits in this Writ Petition.

4. Accordingly, the Writ Petition is dismissed.

dsr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Secretary,

The A.P.Advocates' Welfare Fund Committee,

O/o.Bar Counsel of State of A.P.

High Court Premises, Hyderabad

2. Two CD copies.